

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Robert Sowa, vs. City of Chicago, et al., Defendants.)))))))	Case No.
Plaintiff, 		

FILED
AUGUST 19, 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

08 C 4707

NOTICE OF REMOVAL

JUDGE GUZMAN
MAGISTRATE JUDGE ASHMAN

Defendants City of Chicago and Police Officers Adam Stark and Albert C. France, by one of their attorneys, Naomi Avendano, Deputy Corporation Counsel of the City of Chicago, respectfully remove the above entitled action to this Court, pursuant to 28 U.S.C. §1441(b) and (c), §1446, and on the following grounds:

1. Defendant City of Chicago was named as a defendant in a civil action filed on October 15, 2007, in the Circuit Court of Cook County of the State of Illinois, case number 07 L 10874, entitled Robert Sowa v. City of Chicago. See Complaint attached hereto as Exhibit A.
2. Police Officers Adam Stark and Albert C. France were named as defendants in an Amended Complaint filed on November 17, 2007. See Amended Complaint attached hereto as Exhibit B.
3. The summons and complaint were served upon the City of Chicago on or about July 30, 2008, Chicago Police Officer Albert Francis, Jr was served on July 21, 2008 and Chicago Police Officer was served on July 22, 2008.
4. Plaintiff brings this action pursuant to 42 U.S.C. § 1983 and Illinois common law. Plaintiff alleges that the defendants falsely arrested, conspired to falsely arrest, assaulted, battered

and failed to obtain medical attention for the plaintiff in violation of his rights under the eighth amendment of the United States Constitution and his rights under Illinois law.

5. Defendants are entitled to remove this action to this court, pursuant to 28 U.S.C. §1441(b) and (c).

6. It appears from the face of plaintiff's complaint that this is, primarily, a civil rights action which arises under the United States Constitution and involves federal questions. Plaintiff's complaint alleges, among other things, that the defendants violated the rights of the plaintiff as guaranteed by the United States Constitution.

WHEREFORE, defendants City of Chicago, Adam Stark and Albert C. France, respectfully request that the above-entitled action now pending in the Circuit Court of Cook County in the State of Illinois, case number 07 L 10874, be removed therefrom to this Court.

Respectfully submitted,

/s/ Naomi Avendano
Naomi Avendano
Deputy Corporation Counsel

30 N. LaSalle St., Suite 1400
Chicago, IL 60602
(312) 742-7880
Atty. No. 06203689

JUDGE GUZMAN

MAGISTRATE JUDGE ASHMAN

RCC

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DIVISION

Robert Sowa
Plaintiff

v.

City of Chicago
Defendant

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No.

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COMPLAINT AT LAW

Now comes the Plaintiff, Robert Sowa, through his attorney, CONRAD SZEWCZYK & ASSOCIATES, and complains of the Defendant, City of Chicago and states as follows:

COUNT I WILFUL AND WANTON CONDUCT

1. On November 16, 2006 the Plaintiff was unknowingly shot in the back while walking in the vicinity of alley located at 5200 S. Kolmar Avenue, City of Chicago, County of Cook, State of Illinois causing him to loose consciousness.

2. On said date the Defendant, through its police officers, found the Plaintiff unresponsive in the alley at the above-mentioned location.

3. That upon arrival on the scene the police officers instructed the Plaintiff to get to his feet and the Plaintiff responded he was unable to move his legs and was in significant pain.

4. When the Plaintiff indicated he was unable to move, the Police officers, against the Plaintiff's will and repeated protests, forcibly carried him to a squad car where he was taken to the Police Station.

5. That at all times the Defendant, City of Chicago has a duty to refrain willful and wanton conduct in the exercise of its police duties.

6. That despite said duty, the Defendant committed one or more of the following willful acts or omissions:

- a) Failed to call an ambulance upon arrival to the scene;
- b) Failed to properly investigate the nature and extent of the Plaintiff's condition at the scene.
- c) Forcibly moved the Plaintiff from the scene to a squad car and later to the police station

7. As a direct and proximate result of one or more of the aforesaid acts or omissions, the Plaintiff sustained an injury to his spine causing paralysis.

6. As a direct and proximate result of the aforesaid, the Plaintiff suffered injuries, incurred medical bills, lost wages, suffered pain and disability and will continue to do so in the future.

WHEREFORE, the Plaintiff prays for judgment against the Defendant, City of Chicago in an amount more than \$50,000.00 plus his costs in bringing this action.

COUNT II NEGLIGENCE

1. On November 16, 2006 the Plaintiff was unknowingly shot in the back while walking in the vicinity of alley located at 5200 S. Kolmar Avenue, City of Chicago, County of Cook, State of Illinois causing him to loose consciousness.

2. On said date the Defendant, through its police officers, found the Plaintiff unresponsive in the alley at the above-mentioned location.

3. That upon arrival on the scene the police officers instructed the Plaintiff to get to his feet and the Plaintiff responded he was unable to move his legs and was in significant pain.

4. When the Plaintiff indicated he was unable to move, the Police officers, against the Plaintiff's will and repeated protests, forcibly carried him to a squad car where he was taken to the Police Station.

5. That at all times the Defendant, City of Chicago has a duty to exercise ordinary care in the exercise of its police duties.

6. That despite said duty, the Defendant committed one or more of the following willful acts or omissions:

- a) Failed to call an ambulance upon arrival to the scene;
- b) Failed to properly investigate the nature and extent of the Plaintiff's condition at the scene.
- c) Forcibly moved the Plaintiff from the scene to a squad car and later to the police station


7. As a direct and proximate result of one or more of the aforesaid acts or omissions, the Plaintiff sustained an injury to his spine causing paralysis.

8. As a direct and proximate result of the aforesaid, the Plaintiff suffered injuries, incurred medical bills, lost wages, suffered pain and disability and will continue to do so in the future.

WHEREFORE, the Plaintiff prays for judgment against the Defendant, City of Chicago in an amount more than \$50,000.00 plus his costs in bringing this action.

Law Offices of
CONRAD SZEWCZK & ASSOCIATES

by:


Conrad Szewczyk

CONRAD SZEWCZYK AND ASSOCIATES
Attorney for Plaintiff
205 West. Randolph Street – Suite 850
Chicago, Illinois 60606
(312) 855-1411
Attorney Code Number 19342

JUDGE GUZMAN

MAGISTRATE JUDGE ASHMAN

RCC

Law Offices of
CONRAD SZEWCZYK & ASSOCIATES
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Chicago, Illinois 60606
(312) 855-1411
(312) 855-1412 Fax

CORPORATION CODE
ROOM 800
30 NORTH LA SALLE
08 JUL 30 PM 4:07

July 23, 2008

Bonnie Bagdon ✓
30 North LaSalle Street
Chicago, Illinois 60602

Re: Robert Sowa v. City of Chicago
Case # 07 L 10874

Dear Counsel:

Enclosed please find a copy of the First amended complaint at law.

Should you have any question, please do not hesitate to contact me.

Very truly yours,

Law Offices of
CONRAD SZEWCZYK & ASSOCIATES

By: Conrad Szevczyk
Conrad Szevczyk

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DIVISION

Robert Sowa
Plaintiff

v.

City of Chicago, et al..
Defendant

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) No: 07 L 10874
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FIRST AMENDED COMPLAINT AT LAW

Now comes the Plaintiff, Robert Sowa, through his attorney, CONRAD SZEWCZYK & ASSOCIATES, and complains of the Defendant, City of Chicago and states as follows:

COUNT I WILFUL AND WANTON CONDUCT

1. On November 16, 2006 the Plaintiff was unknowingly shot in the back while walking in the vicinity of alley located at 5200 S. Kolmar Avenue, City of Chicago, County of Cook, State of Illinois causing him to loose consciousness.

2. On said date the Defendant, through its police officers Adam Stark Star #18655 and Officer Albert C. France, Jr. Star #7231 and paramedics found the Plaintiff unresponsive in the alley at the above-mentioned location.

3. That upon arrival on the scene the police officers instructed the Plaintiff to get to his feet and the Plaintiff responded he was unable to move his legs and was in significant pain.

4. When the Plaintiff indicated he was unable to move, the Police officers, against the Plaintiff's will and repeated protests, forcibly carried him to a squad car where he was taken to the Police Station.

5. That at all times the Defendant; City of Chicago has a duty to refrain willful and wanton conduct in the exercise of its police duties.

6. That despite said duty, the Defendant committed one or more of the following willful acts or omissions:

- a) Failed to call an ambulance upon arrival to the scene;
- b) Failed to properly investigate the nature and extent of the Plaintiff's condition at the scene.
- c) Forcibly moved the Plaintiff from the scene to a squad car and later to the police station
- d) Deviated from the standard of care practiced by paramedics because the nature and extent of injury was not properly diagnosed.
- e) Acted with deliberate indifference in violation of the 8th Amendment.

7. As a direct and proximate result of one or more of the aforesaid acts or omissions, the Plaintiff sustained an injury to his spine causing paralysis.

6. As a direct and proximate result of the aforesaid, the Plaintiff suffered injuries, incurred medical bills, lost wages, suffered pain and disability and will continue to do so in the future.

WHEREFORE, the Plaintiff prays for judgment against the Defendant, City of Chicago and Adam Stark Star #18655 and Officer Albert C. France, Jr. Star #7231 in an amount more than \$50,000.00 plus his costs in bringing this action.

COUNT II NEGLIGENCE

1. On November 16, 2006 the Plaintiff was unknowingly shot in the back while walking in the vicinity of alley located at 5200 S. Kolmar Avenue, City of Chicago, County of Cook, State of Illinois causing him to loose consciousness.

2. On said date the Defendant, through its police officers, found the Plaintiff unresponsive in the alley at the above-mentioned location.

3. That upon arrival on the scene the police officers instructed the Plaintiff to get to his feet and the Plaintiff responded he was unable to move his legs and was in significant pain.

4. When the Plaintiff indicated he was unable to move, the Police officers, against the Plaintiff's will and repeated protests, forcibly carried him to a squad car where he was taken to the Police Station.

5. That at all times the Defendant; City of Chicago has a duty to exercise ordinary care in the exercise of its police duties.

6. That despite said duty, the Defendant committed one or more of the following willful acts or omissions:

a) Failed to call an ambulance upon arrival to the scene;

b) Failed to properly investigate the nature and extent of the Plaintiff's condition at the scene.

c) Forcibly moved the Plaintiff from the scene to a squad car and later to the police station

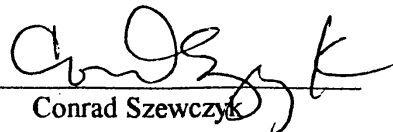
d) Deviated from the standard of care practiced by paramedics because the nature and extent of injury was not properly diagnosed.

7. As a direct and proximate result of one or more of the aforesaid acts or omissions, the Plaintiff sustained an injury to his spine causing paralysis.

6. As a direct and proximate result of the aforesaid, the Plaintiff suffered injuries, incurred medical bills, lost wages, suffered pain and disability and will continue to do so in the future.

WHEREFORE, the Plaintiff prays for judgment against the Defendant, City of Chicago and Adam Stark Star #18655 and Officer Albert C. France, Jr. Star #7231 in an amount more than \$50,000.00 plus his costs in bringing this action.

Law Offices of
CONRAD SZEWCZK & ASSOCIATES

by: 
Conrad Szewczyk

CONRAD SZEWCZYK AND ASSOCIATES

Attorney for Plaintiff

205 West. Randolph Street – Suite 850

Chicago, Illinois 60606

(312) 855-1411

Attorney Code Number 19342

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
LAW DIVISION

Robert Sowa
Plaintiff

v.

**City of Chicago, et al..
Defendant**

No: 07 L 10874

AFFIDAVIT OF COUNSEL

Now comes the affiant, Conrad Szewczyk, being duly sworn states as follows:

1. That I am the attorney in the above captioned matter.
2. That due to a running of the statute of limitations on or about November 16, 2007 I have been unable to consult with a health care professional relative to potential claims against the city of Chicago and provide a 622 report.
3. That if called I would testify to the above in court.

Affiant sayth not.

VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

Conrad Szewczyk & Associates
Attorney for Plaintiff
205 West Randolph Street - Suite 850
Chicago, Illinois 60606
(312) 855-1411
Attorney Code No.: 19342